UNITED STATES PATENT AND TRADEMARK OFFICE

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09/470,292	12/22/1999	GLENN D. BEGIS	884.171USA1	5981

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EXAMINER
WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
2155	9

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

● **Office Action Summary**	Application N●. 09/470,292	Applicant(s) BEGIS, GLENN D.
	Examiner Liang-che Alex Wang	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2003* .

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-67* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☒ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

1. Claims 23-67 remain for examination.

2. The text of those sections of Title 35, US Code not included in this section can be found in a prior Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 56, 60-62 is rejected under 35 U.S.C. 102(e) as being anticipated by Beyda et al., US Patent Number 6,404,873, hereinafter Beyda.

5. Referring to claim 56, Beyda has taught a data process system, comprising: a plurality of devices interconnected as a local area network (Col 2 lines 31-33, and Figure 1), at least some of the devices having associated source and/or sink mode to provide and/or receive voice data (Col 2 lines 55-58), and at least one of the devices being a computer (Col 4 lines 18-21, telephony enabled computer) adapted to perform a function upon the voice data (Col 2 lines 55-58, Voice data are being transmitted from first terminal to second terminal); a signal streaming controller to select among both the source and the sink modes to establish connection among certain of the devices to provide and to receive the voice data

(Col 4 lines 14-17, Col 2 lines 37-40, 55-58, the first terminal is addressed to

transmit data to the second terminal, second terminal is inherently set to the sink

mode in order to receive the transmitting voice data from first terminal.).

6. Referring to claim 60, Beyda has further taught where the computer acts as a

source node to produce voice data (Col 2 lines 55-67, the first terminal.)

7. Referring to claim 61, Beyda has further taught where the computer acts as a sink

node to produce voice data (Col 2 lines 55-67, the second terminal.)

8. Referring to claim 62, Beyda has further taught where the computer further act as

a source node to produce voice data (Col 2 lines 55-58.)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 23-30, 33-36, 38-44, 47-51, 53-54 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Beyda et al, US Patent Number, hereinafter Beyda.

11. Referring to claim 23, Beyda has taught a method for controlling the streaming of

voice data among multiple devices in a local area network, the method

comprising:

    a. setting at least a first of the devices to one of plurality of source mode in

        which the first device provides the voice data to one or more others of the

     device; (Col 2 lines 55-58, the first terminal is addressed (set to source

     mode) to transmit data to the second terminal.)

b. setting at least a second of the devices to one of the plurality of sink

     modes in which the second device receives the voice data from the first

     device; (Col 2 lines 37-40, 55-58, the first terminal is addressed to

     transmit data to the second terminal, second terminal is inherently set to

     the sink mode in order to receive the transmitting voice data from first

     terminal.)

c. establish a connection for the voice data from the first device to the second

     device in accordance with the selected source and sink modes. (Col 2 lines

     37-40, 55-58)

Beyda has not taught the limitation of independently setting the first device to

the source mode.

However, it is well known in the art that voice data could be transmitted

between two devices by using a bi-directional link as taught by Beyda, or using a

transmitting data link and a receiving data link to transmit the voice data.

Having a bi-directional link as taught by Beyda would provide a cheaper,

smaller, and slower communication among the devices. Having two transmitting

data links would allow a more expensive but faster communications.

A person with ordinary skill in the art would have designed how the devices

communicate in one of the two ways.

It would be obvious for a person with ordinary skill in the art at the time the

invention was made to make the communication links between two devices to be

a transmitting link and receiving link, because it is well know in the art as a

designer's choice to provide a faster speed of communication between two

devices. Having the receiving and transmitting links would allow independently

setting the device to the source mode.

12. Referring to claim 24, Beyda has further taught where the source modes are

associated with the devices, and specify both one of the devices as a source to

provide the voice and another of the devices as a sink to receive the voice data.

(Col 2 lines 37-44, 55-58, first terminal transmitting voice data only to the second

terminal, and the transmitting device is in the source mode to transmit and

receiving device is in the source mode to receive.)

13. Referring to claim 25, Beyda has further taught where at a least one of the source

modes for the one device specifies multiple others of the devices as sinks to

receive the data. (Col 3 lines 1-3, additional devices could be added to be join the

two way conversation means additional devices could be added to either

transmitting the voice data (in source mode) or receiving the voice data (in sink

mode).)

14. Referring to claim 26, Beyda has further taught where at a least one of the source

modes for the one device specifies a further of the devices in addition to the one

device as a source for the voice data. (Col 3 lines 1-3, additional devices could be

added to be join the two way conversation means additional devices could be

added to either transmitting the voice data (in source mode) or receiving the voice

data (in sink mode). Therefore, an extra source device could be added to the

communication.)

15. Referring to claim 27, Beyda has further taught where the sink modes are associated with the devices and specify both one of the devices as a source to provide the voice and another of the devices as a sink to receive the voice data. (Col 2 lines 37-44, 55-58, first terminal transmitting voice data only to the second terminal, and the transmitting device is in the source mode to transmit and receiving device is in the source mode to receive.)

16. Referring to claim 28, Beyda has further taught where at a least one of the sink modes for the one device specifies multiple others of the devices as sources to provide the voice data. (Col 3 lines 1-3, additional devices could be added to be join the two way conversation means additional devices could be added to either transmitting the voice data (in source mode) or receiving the voice data (in sink mode).)

17. Referring to claim 29, Beyda has further taught where at a least one of the sink modes for the one device specifies a further of the devices in addition to the one device as a sink for the voice data. (Col 3 lines 1-3, additional devices could be added to be join the two way conversation means additional devices could be added to either transmitting the voice data (in source mode) or receiving the voice data (in sink mode). Therefore, an extra sink device could be added to the communication.)

18. Referring to claim 30, Beyda has further taught where one of the source modes and a different one of the sink modes are set for the same one of the devices concurrently. (Col 2 line 55-58, first terminal is transmitting voice data to second terminal, and second terminal is transmitting voice data to first terminal.

Therefore, both first terminal and second terminal are in both source and sink

mode concurrently.)

19. Referring to claims 33-36, claims 33-36 encompass the same scope of the

invention as that of the claims 23-30. Therefore, the claims 33-36 are rejected for

the same reason as the claims 23-30.

20. Referring to claims 38-44, claims 38-44 encompass the same scope of the

invention as that of the claims 23-30. Therefore, the claims 38-44 are rejected for

the same reason as the claims 23-30.

21. Referring to claim 47, Beyda has further taught where the controller is separate

from the devices. (Col 4 lines 14-27, MCU and gatekeeper is viewed as the

controller, and is separated from the devices as seem in figure 1)

22. Referring to claim 48, Beyda has further taught where the controller is distributed

amonf at least some of the devices (Col 3 lines 35-37)

23. Referring to claim 49, Beyda has further taught where the devices in the network

include one or more of a telephone (Figure 2, Col 2 lines 28-30, Col 4 lines17-

21), a data processor (Col 2 lines 29-30, computing device is also known as

computer or processor,) a gateway (Figure 3, Col 5 lines 30-33.)

24. Referring to claim 50, Beyda has further taught where one of the source modes

for the telephone provides the voice data to the gateway (Col 5 lines 30-33)

25. Referring to claim 51, Beyda has further taught where one of the source modes

for the telephone provides the voice data also to the data processor. (Col 2 lines

21-30, terminals could be either telephone or the data processor, and terminals are

capable of both transmitting and receiving the voice data, therefore, one of the

source mode for the telephone could provide the voice data to the data processor.)

26. Referring to claim 53, Beyda has further taught where one of the source modes

for the gateway provides the voice data to the telephone (Col 5 lines 30-33,

terminals could be telephone, data processor or gateway, and terminals are

capable of both transmitting and receiving the voice data, therefore, one of the

source modes for the gateway could provide the voice data to the telephone.)

27. Referring to claim 54, Beyda has further taught where another of the source

modes for the gateway provides the voice data also to the data processor. (Col 2

lines 21-30, terminals could be telephone, data processor or gateway, and

terminals are capable of both transmitting and receiving the voice data, therefore,

one of the source modes for the gateway could provide the voice data to the data

processor.

28. Claims 31-32, 37, and 45-46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Beyda in views of Klug, US Patent Number 5,799,320, herein

after Klug.

29. Referring to Claims 31, 37, and 45. Beyda has taught an invention as described in

Claim 23, 33, and 38, which has a plurality of devices and at least one mode for

each of the at least one device to be used in the connection.

Beyda has not taught to include locking the mode of at least one device during

the connection.

Klug has taught a locking mechanism to lock out PC from accessing data when there is a large number of PC accessing data and caused the system to be slow. (Col 11 lines 10-16)

However, a person with ordinary skill in the art would have realized that when there are plurality of devices are running at the same time, the system may be slow down as Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time when the invention was made, to include a locking mechanism to lock the mode of at least one device during the connection as taught by Klug to prevent slow down of the system, which caused by large number of devices have access to the file at the same time.

30. Referring to Claims 32, and 46. Beyda has taught an invention as described in Claim 23, 33, and 38, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught to use a semaphore to prevent multiple devices from simultaneously changing mode.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

31. Claims 52 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Lucas et al., US Patent Number 5,528,739 herein after Lucas.

   Beyda has taught a invention as described in claims 51 and 53. However, Beyda has not taught where the computer converts the voice data to text.

   However, Lucas has taught a computer converts voice data to text. (Col 2, lines 9-12)

   It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that the computer converts the voice data to text.

   A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having voice text converted into text and display on the screen (Col 2 lines 9-10) would allow deaf users to "see" the speech from the remote party.

32. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Cohn et al., US Patent Number 6,411,684 hereinafter Cohn.

33. Referring to claim 57, Beyda has further taught where the function is one or more of recognize the voice data (Col 6 lines 2-4). Beyda has not taught the function of converting voice signal to or from text, and translating text to different language.

However, Cohn has taught a voice network having functions of converting

voice signal to or from text (Col 23 lines 9-22), and translating text to different

language (Col 5 lines 18-35.)

It would have been obvious to a person with ordinary skill in the art at the

time the invention was made to modify the teaching of Beyda such that the

computer converts the voice data to or from text and translating text to different

language.

A person with ordinary skill in the art would have been motivated to make the

modification to Beyda because having voice text converted into text and display

on the screen would allow deaf users to"see" the speech, and also allow users with

different language background can understand each other from the voice network.

34. Claims 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Beyda in views of Perrone, US Patent Number 6,418,199 hereinafter Perrone.

35. Referring to claim 63, Beyda has taught a data process system, comprising: a

plurality of devices interconnected as a local area network, at least some of the

devices having associated source and/or sink modes to provide and/or receive

voice data, and at least one of the devices being a gateway adapted to

communicate the voice data; a signal streaming controller to select among both

the source and the sink modes to establish a connection among certain of the

devices to provide and to receive the voice data, respectively (see rejection to

claim 56 and previous rejections.)

Beyda has not taught where the voice communication to and from an external

network. However, Perrone has taught the voice communication could be

provided and received to and from an external network (see figure 1A).

It would have been obvious to a person with ordinary skill in the art at the

time the invention was made to modify the teaching of Beyda such that to have

the voice communication could be provided and received to and from an external

network

A person with ordinary skill in the art would have been motivated to make the

modification to Beyda because having the voice data to be transmitted to or

received from an external network would allow Beyda's invention to be

implemented to a wider ranges of locations, so not only people within the LAN of

Beyda could be benefited by Beyda's invention but people outside of the LAN

would also be benefited..

36. Referring to claim 64-67, Beyda as modified has further taught where the external

network could be a data network (Perrone, Item 6, Fig 1A), the Internet (Perrone,

Col 5 lines 26), a voice network (Beyda, Fig 2), a public switched telephone

network (Perrone, Item 12, Fig 1A.)

Response to Amendment

37. Applicant's arguments filed on May 19, 2003, paper number 7, have been fully

considered but they are not persuasive and a new ground of rejection is being

provided.

38. In that remarks, applicant's argues in substance:

a. That:"Beyda does not teach the concept of independent source and sink

modes."

This is found not persuasive because this is a designer's choice to choose a

communication link to be a bi-directional link or two separated receiving

and transmitting link. Beyda happens to choose the bi-directional link that

provides cheaper and smaller communication link. However, a person

with ordinary skill in the art would also pick the design of transmitting and

receiving links that provides one device to be in source mode and one

device to be sink mode. This limitation does not provide a patentable

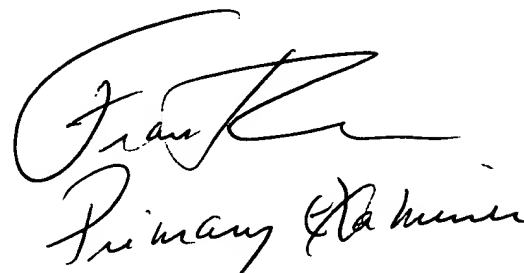substance or limitation. Therefore is not found persuasive.

Conclusion

39. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Liang-che Alex Wang whose telephone number is

(703) 305-3391. The examiner can normally be reached on Monday thru Friday,

8:30 am to 5:00 pm.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sheikh Ayaz R can be reached on (703) 305-9648. The fax phone

numbers for the organization where this application or proceeding is assigned are

(703) 746-7239 for regular communications and (703) 746-7238 for After Final

communications.

41. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

(703) 305-3900.

Liang-che Wang
August 14th, 2003